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Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES, Plaintiff-Appellee,	**G.R. No. 190632**
	Present:
- *versus* -	CARPIO,* Acting Chief Justice, DEL CASTILLO, PEREZ, MENDOZA,** and LEONEN,*** *JJ.*
MANOLITO LUCENA *y* VELASQUEZ, *alias* "Machete," Accused-Appellant.	Promulgated: FEB 26 2014

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DECISION

PEREZ, *J.*:

The subject of this appeal is the Decision[1] dated 24 August 2009 of the Court of Appeals in CA-G.R. CR-H.C. No. 03371 affirming the Decision[2] dated 30 April 2008 of the Regional Trial Court (RTC) of Parañaque City, Branch 260, in Criminal Cases Nos. 03-0763 to 03-0765, finding herein appellant Manolito Lucena *y* Velasquez *alias* "Machete" guilty beyond reasonable doubt of three counts of rape, thereby sentencing him to suffer the penalty of *reclusion perpetua* for each count and ordering

* Per Special Order No. 1644 dated 25 February 2014.

** Per Raffle dated 13 January 2014.

*** Per Special Order No. 1636 dated 17 February 2014.

1 Penned by Associate Justice Amelita G. Tolentino with Associate Justices Estela M. Perlas-Bernabe (now a member of this Court) and Stephen C. Cruz, concurring. *Rollo*, pp. 2-13.

2 Penned by Judge Jaime M. Guray. CA *rollo*, pp. 20-33.

him to pay AAA[3] the amount of ₱50,000.00 as moral damages and ₱50,000.00 as civil indemnity also for each count.

Three (3) similarly worded Informations,[4] all dated 24 June 2003 allege:

> That on or about the 28th day of April 2003, in the City of Parañaque, Philippines, and within the jurisdiction of this Honorable Court, the above-named [appellant], a *Barangay Tanod* Volunteer, who took advantage of his position to facilitate the commission of the crime, **by means of force, threat or intimidation and with the use of a gun** did then and there willfully, unlawfully and feloniously **have carnal knowledge of the complainant AAA, a minor, 17 years of age, against her will and consent**. (Emphasis and italics supplied).

The appellant, assisted by counsel *de oficio*, pleaded NOT GUILTY to all the charges against him.[5] Thereafter, the cases were jointly tried.

The prosecution presented AAA, the victim herself; and Dr. Merle Tan (Dr. Tan) of the Child Protection Unit, University of the Philippines – Philippine General Hospital (UP-PGH), who examined the victim.

The testimonies of the above-named prosecution witnesses established that on 28 April 2003, at around 11:30 p.m., while AAA, who was then 17 years old, having been born on 10 July 1986, was walking and chatting with her friends along one of the streets of San Dionisio, Parañaque City, two (2) *barangay tanods*, one of whom is the appellant, approached and informed them that they were being arrested for violating a city ordinance imposing curfew against minors. AAA's companions, however, managed to escape,

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3 This is pursuant to the ruling of this Court in *People v. Cabalquinto,* 533 Phil. 703 (2006), wherein this Court resolved to withhold the real name of the victim-survivor and to use fictitious initials instead to represent her in its decisions. Likewise, the personal circumstances of the victims-survivors or any other information tending to establish or compromise their identities, as well as those of their immediate family or household members, shall not be disclosed. The names of such victims, and of their immediate family members other than the accused, shall appear as "AAA," "BBB," "CCC," and so on. Addresses shall appear as "XXX" as in "No. XXX Street, XXX District, City of XXX."

The Supreme Court took note of the legal mandate on the utmost confidentiality of proceedings involving violence against women and children set forth in Sec. 29 of Republic Act No. 7610, otherwise known as *Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act*; Sec. 44 of Republic Act No. 9262, otherwise known as *Anti-Violence Against Women and Their Children Act of 2004*; and Sec. 40 of A.M. No. 04-10-11-SC, known as *Rule on Violence Against Women and Their Children* effective 15 November 2004.

4 Records, pp. 1-3.

5 Per Certificate of Arraignment and RTC Order both dated 24 September 2004. Id. at 34 and 36-37.

thus, she alone was apprehended.[6] AAA was then ordered by the *barangay tanods* to board the tricycle. Afraid that she might spend the night in jail, AAA pleaded with them and protested that she did not commit any offense as she was just chatting with her friends. AAA's plea, however, remained unheeded.[7]

AAA was then brought by the two (2) *barangay tanods* within the vicinity of the San Dionisio *Barangay* Hall. Afterwards, one of them alighted from the tricycle and went inside the *barangay* hall. The appellant, on the other hand, stayed in the tricycle to guard AAA. After a while, the *barangay tanod*, the one who went inside the *barangay* hall, returned. But, the appellant told the former that he will just be the one to bring AAA back to her house.[8]

But, instead of escorting AAA back to her house, the appellant brought her to *Kabuboy* Bridge in San Dionisio, Parañaque City. While on their way, the appellant threatened AAA that he would kill her once she resists or jumps off the tricycle. Upon arrival, the appellant ordered AAA to alight from the tricycle. AAA asked the appellant what he would do with her but the former did not respond. The appellant then took out the backseat of the tricycle and positioned it in a grassy area. He subsequently pointed a gun at AAA and commanded her to lie down and to take off her clothes. The appellant later put the gun down on the ground and inserted his penis into AAA's vagina despite the latter's plea not to rape her. Satisfied, the appellant stopped. But, after a short while, or after about five (5) minutes, the appellant, once again, inserted his penis into AAA's vagina. Thereafter, he stopped. On the third time, the appellant inserted again his penis into AAA's vagina. Fulfilling his bestial desire, the appellant stopped and finally ordered AAA to dress up. The appellant even threatened AAA that he would kill her should she tell anyone about what happened between them.[9]

The appellant, thereafter, directed AAA to board the tricycle. He then brought AAA in front of a school in Parañaque City. But, before allowing AAA to get off, the appellant repeated his threat to kill her should she tell anyone about the incident.[10]

The following day, AAA took the courage to seek the assistance of their *barangay kagawad*, who simply advised her to just proceed to the

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6 Testimony of AAA, TSN, 3 March 2005, pp. 4-6.
7 Testimony of AAA, TSN, 6 May 2005, p. 7.
8 Testimony of AAA, TSN, 3 March 2005, pp. 6-7.
9 Testimony of AAA, id. at 7-10; Testimony of AAA, TSN, 6 May 2005, pp. 10-13.
10 Testimony of AAA, id. at 10.

barangay hall to lodge her complaint against the appellant. AAA and her mother subsequently went to PGH, where she was subjected to physical examination by Dr. Tan,[11] which resulted in the following findings:

> **HYMEN** Tanner Stage 3, healing laceration[s] 3 and 5 o'clock area with petechiae, fresh laceration at 9 o'clock area with eccymosi at 8-10 o'clock area, Type of Hymen: Crescentic
>
> x x x x
>
> **ANAL EXAMINATION** Perianal Skin: fresh laceration[s] at 12 and 1 o'clock area. No evident injury at the time of examination.
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> x x x x
>
> **IMPRESSIONS**
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> Disclosure of sexual abuse.
> Genital findings show clear Evidence Of Blunt Force Or Penetrating Trauma.[12] (Emphasis supplied).

AAA also went to the Coastal Road Police Headquarters, where she executed her sworn statement accusing the appellant of rape. AAA was able to identify the appellant as her assailant because the former was wearing a jacket emblazoned with "*Barangay* Police," as well as a *Barangay* Identification Card, at the time of the incident.[13]

The appellant and Rodel Corpuz (Corpuz) took the witness stand for the defense.

In the course of Corpuz's direct examination, however, the parties made the following stipulations: (1) that the [herein appellant] was the assigned *barangay* radio operator on that date, [28 April 2003], and he stayed at the *barangay* hall from 12:00 midnight to 5:00 a.m.; (2) that the witness was there up to 12:00 midnight, but at about past 12:00, he left and returned after two (2) hours, at 2:00 o'clock a.m.; and (3) that when he woke up at 5:00 o'clock in the morning, the [appellant] was still there. With these stipulations, Corpuz's testimony was dispensed with.[14]

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11 Testimony of AAA, id. at 11-12; Testimony of Dr. Merle Tan, TSN, 24 June 2005, p. 6.

12 Per Medico-Legal Report Number 2003-04-0078. Records, p. 11; Id. at 9-18.

13 Testimony of AAA, TSN, 3 March 2005, pp. 13-16; Court of Appeals Decision dated 24 August 2009. *Rollo*, p. 5.

14 RTC Order dated 13 September 2007. Records, pp. 119-120.

The appellant, for his part, could only muster the defenses of denial and *alibi*. He, thus, offered a different version of the story.

On 28 April 2003, the appellant claimed that he was on duty as a radio operator at the *barangay hall*. His task as such was to receive complaints from the residents of the *barangay*, as well as to receive calls from fellow *barangay* officials who are in need of assistance. On the same day, he received a call from his companion, who is also a *barangay tanod*. He cannot, however, recall any unusual incident that transpired on that day.[15]

The appellant admitted that he knew AAA as the one who lodged a complaint against him but he denied that he knew her personally. He also vehemently denied the following: (1) that he raped AAA; (2) that he was one of those *barangay tanods* who apprehended AAA for violating the curfew ordinance of their *barangay*; and (3) that he was the one driving the tricycle in going to the *barangay* hall. Instead, the appellant claimed that after 12:00 midnight of 28 April 2003, he went home already. In fact, he was shocked when he was arrested on 25 September 2003 as he did not commit any crime.[16]

In its Decision dated 30 April 2008, the trial court, giving credence to the categorical, straightforward and positive testimony of AAA, coupled with the medical findings of sexual abuse, convicted the appellant of three (3) counts of rape as defined and penalized under paragraph 1(a) of Article 266-A, in relation to Article 266-B, of the Revised Penal Code of the Philippines, as amended. The trial court, thus, decreed:

> **WHEREFORE**, the Court finds the [herein appellant] **MANOLITO LUCENA *y* VELASQUEZ *alias* MACHETE**, **GUILTY** beyond reasonable doubt of three (3) counts of ***Rape (under Art. 266-a par. 1(a) in relation to Art. 266-B of the RPC as amended by RA 8353)*** and is hereby sentenced to suffer the penalty of ***reclusion perpetua for each count of Rape***. In addition, the [appellant] is ordered to pay [AAA] the amount of ***₱50,000.00 as moral damages and ₱50,000.00 as civil indemnity for each count***.[17] (Emphasis and italics theirs).

The appellant appealed[18] the trial court's Decision to the Court of Appeals with the following assignment of errors:

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15 Testimony of the appellant, TSN, 7 September 2006, p. 5.
16 Id. at 3-4, 7-9 and 13-16.
17 CA *rollo*, p. 33.
18 Per Notice of Appeal dated 20 May 2008. Id. at 34.

I.

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE [HEREIN APPELLANT] OF RAPE DESPITE THE PROSECUTION'S FAILURE TO PROVE THE ELEMENT OF FORCE AND INTIMIDATION.

II.

GRANTING, *ARGUENDO*, THAT THE [APPELLANT] COMMITTED THE CRIME CHARGED, THE TRIAL COURT GRAVELY ERRED IN CONVICTING HIM OF THREE (3) COUNTS OF RAPE.[19]

After a thorough study of the records, the Court of Appeals rendered its now assailed Decision dated 24 August 2009 sustaining appellant's conviction for three (3) counts of rape, as well as the damages awarded to AAA. In doing so, the Court of Appeals explained that the facts revealed that the appellant succeeded thrice in inserting his penis into AAA's vagina. The said three (3) penetrations happened one after another at an interval of five (5) minutes, wherein the appellant would take a rest after satiating his lust and after regaining his strength would again rape AAA. Undoubtedly, the appellant decided to commit those separate and distinct acts of sexual assault on AAA. Thus, his conviction for three (3) counts of rape is irrefutable.[20]

Hence, this appeal.[21]

Both parties in their manifestations[22] before this Court adopted their respective appeal briefs[23] filed with the Court of Appeals *in lieu* of Supplemental Briefs.

In his Brief, the appellant contends that the prosecution failed to prove that force or intimidation attended the commission of rape. Records revealed that AAA did not even attempt to resist his alleged sexual advances over her person. Instead, AAA opted to remain passive throughout her ordeal despite the fact that during the three (3) episodes of their sexual intercourse he was unarmed and she, thus, had all the opportunity to escape, which she never did. These reactions of AAA were contrary to human

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19 Appellant's Brief dated 16 December 2008. Id. at 48.
20 *Rollo*, p. 12.
21 Per Notice of Appeal dated 11 September 2009. Id. at 14-15.
22 Id. at 29-30 and 38-40.
23 CA *rollo*, pp. 46-61 and 88-113.

experience, thus, cast serious doubts on the veracity of her testimony and on her credibility as a witness.

The appellant similarly argues that the result of AAA's medical examination is quite disturbing as it appears that her anal orifice was also penetrated by a hard object though nothing was said to this effect in her testimony.

The appellant likewise avers that he cannot be convicted of three counts of rape. The intervening period of five (5) minutes between each penetration does not necessarily prove that he decided to commit three separate acts of rape. He maintains that what is of prime importance is that he was motivated by a single criminal intent.

With the foregoing, the appellant believes that his guilt was not proven beyond reasonable doubt; hence, his acquittal is inevitable.

This Court holds otherwise. The conviction of the appellant, thus, stands but the damages awarded in favor AAA must be modified.

Primarily, in reviewing rape cases, this Court is guided with three settled principles: (1) an accusation of rape can be made with facility and while the accusation is difficult to prove, it is even more difficult for the person accused, although innocent, to disprove; (2) considering the intrinsic nature of the crime, only two persons being usually involved, the testimony of the complainant should be scrutinized with great caution; and (3) the evidence for the prosecution must stand or fall on its own merit, and cannot be allowed to draw strength from the weakness of the evidence for the defense.[24]

Rape is a serious transgression with grave consequences both for the accused and the complainant. Following the above principles, this Court is duty-bound to conduct a thorough and exhaustive evaluation of a judgment of conviction for rape.[25]

After a careful scrutiny of the entire records, however, this Court finds no justifiable reason to reverse the rulings of the lower courts.

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[24] *People v. Celocelo*, G.R. No. 173798, 15 December 2010, 638 SCRA 576, 583-584.
[25] Id. at 584.

All the Informations in this case charged the appellant with rape under paragraph 1(a), Article 266-A, in relation to paragraph 2, Article 266-B, of the Revised Penal Code, as amended. These provisions specifically state:

> ART. 266-A. *Rape; When and How Committed*. - Rape is committed -
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> 1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:
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> a) Through **force, threat or intimidation**;
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> b) When the offended party is deprived of reason or otherwise unconscious;
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> c) By means of fraudulent machination or grave abuse of authority; and
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> d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.
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> x x x x
>
> ART. 266-B. *Penalties*. – Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.
>
> Whenever the rape is committed **with the use of a deadly weapon** or by two or more persons, the penalty shall be *reclusion perpetua* to death. (Emphasis supplied).

Certainly, carnal knowledge of a woman under any of the following instances constitutes rape: (1) when **force or intimidation is used**; (2) when the woman is deprived of reason or is otherwise unconscious; and (3) when she is under twelve (12) years of age.[26]

The force and violence required in rape cases is relative and need not be overpowering or irresistible when applied. For rape to exist, it is not necessary that the force or intimidation be so great or be of such character as could not be resisted – **it is only necessary that the force or intimidation be sufficient to consummate the purpose which the accused had in mind**.[27] Further, it should be viewed from the perception and judgment of the victim at the time of the commission of the crime. **What is vital is that the force or intimidation be of such degree as to cow the unprotected**

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[26] Id.

[27] *People v. Javier*, 370 Phil. 128, 145 (1999).

and vulnerable victim into submission. **Force is sufficient if it produces fear in the victim, such as when the latter is threatened with death**.[28]

In the case at bench, as can be gleaned from the transcript of stenographic notes and as observed by the trial court, which the Court of Appeals sustained, AAA's categorical, straightforward and positive testimony revealed that the appellant was armed with a gun and the same was pointed at her while she was ordered to lie down and to take off her clothes, to which she acceded because of fear for her life and personal safety. The appellant then put the gun down on the ground and successfully inserted his penis into AAA's vagina, not only once but thrice. This happened despite AAA's plea not to rape her. And, after satisfying his lust, the appellant threatened AAA that he would kill her should she tell anyone about the incident. This same threat of killing AAA was first made by the appellant while the former was still inside the tricycle on their way to *Kabuboy* Bridge.[29] It cannot be denied, therefore, that force and intimidation were employed by the appellant upon AAA in order to achieve his depraved desires.

While it is true that the appellant had already put the gun down on the ground the moment he inserted his penis into AAA's vagina and was actually unarmed on those three (3) episodes of sexual intercourse, the same does not necessarily take away the fear of being killed that had already been instilled in the mind of AAA. Emphasis must be given to the fact that the gun was still within appellant's reach, therefore, he could still make good of his threat on AAA at anytime the latter would show any resistance to his evil desires. AAA's lack of physical resistance, therefore, is understandable and would not in any way discredit her testimony.

It must be borne in mind that when a rape victim becomes paralyzed with fear, she cannot be expected to think and act coherently. Further, as has been consistently held by this Court, **physical resistance is not an essential element of rape** and need not be established when intimidation is exercised upon the victim, and, the latter submits herself, against her will, to the rapist's embrace because of fear for her life and personal safety. The victim's failure to shout or offer tenacious resistance did not make voluntary her submission to the criminal acts of her aggressor. It bears stressing that not every rape victim can be expected to act with reason or in conformity with the usual expectations of everyone. The workings of a human mind placed under emotional stress are unpredictable; **people react differently**.

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28 *People v. Cañada*, G.R. No. 175317, 2 October 2009, 602 SCRA 378, 392.

29 Testimony of AAA, TSN, 6 May 2005, p. 10.

Some may shout, some may faint, while others may be shocked into insensibility.[30]

In his attempt to ruin AAA's credibility in order to exculpate himself from all the charges, the appellant puts stress on the portion of the result of AAA's medical examination disclosing that even her anal orifice was also penetrated by a hard object, which she never mentioned in her testimony.

To the mind of this Court, such argument is flimsy and totally misplaced. It would not even work to appellant's advantage and would not in any way cast doubt on the veracity of AAA's testimony. As this Court has previously stated, a medical examination and a medical certificate, albeit corroborative of the commission of rape, are not indispensable to a successful prosecution for rape.[31] Moreover, even though AAA made no mention of any anal penetration, such omission would not change the fact that she was, indeed, raped by the appellant. As succinctly found by both lower courts, AAA categorically, straightforwardly, clearly and positively narrated her harrowing experience in the hands of the appellant. She recounted in detail how the appellant took advantage of her by bringing her to *Kabuboy* Bridge, where nobody was present; commanding her to lie down and undress herself at a point of a gun; and successfully inserting his penis into her vagina, not only once but thrice. AAA stated that after the first penetration the appellant stopped. After about five minutes, however, the appellant, once again, inserted his penis into her vagina. Thereafter, the appellant stopped. For the third and last time, the appellant again inserted his penis into her vagina. This narration was consistent with the rest of the medical findings showing fresh hymenal lacerations on AAA's vagina, which according to Dr. Tan is a clear evidence of "blunt force or penetrating trauma" - a disclosure of sexual abuse.

For his ultimate defense, the appellant puts forward denial and *alibi*. Notably, these defenses are totally inconsistent with his line of argument that the rape was committed without force or intimidation thereby implying that the sexual intercourse between him and AAA was consensual.

Time and again, this Court has viewed denial and *alibi* as inherently weak defenses, unless supported by clear and convincing evidence, the same cannot prevail over the positive declarations of the victim who, in a simple and straightforward manner, convincingly identified the appellant as the

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30 *People v. Alberio*, G.R. No. 152584, 6 July 2004, 433 SCRA 469, 475.
31 *People v. Linsie*, G.R. No. 199494, 27 November 2013.

defiler of her chastity.[32] Simply put, the positive assertions of AAA that he raped her are entitled to greater weight. While denial and *alibi* are legitimate defenses in rape cases, bare assertions to this effect cannot overcome the categorical testimony of the victim,[33] as in this case.

Also, appellant's *alibi* that on the night the rape incident happened, he was at the *barangay* hall doing his job as radio operator and at 12:00 midnight he already went home, failed to sufficiently establish that it was physically impossible for him to be at the scene of the crime when it was committed. Moreover, the corroborating testimony of defense witness Corpuz that the appellant left at about past 12:00 midnight, almost the same time the rape incident happened, and then returned after two (2) hours, even bolster the possibility of the appellant's presence at the scene of the crime.

This Court also notes that the appellant failed to show any ill-motive on the part of AAA to testify falsely against him. This bolsters the veracity of AAA's accusation since no woman would concoct a tale that would tarnish her reputation, bring humiliation and disgrace to herself and her family, and submit herself to the rigors, shame, and stigma attendant to the prosecution of rape, unless she is motivated by her quest to seek justice for the crime committed against her.[34]

In light of the foregoing, it is beyond any cavil of doubt that the appellant's guilt for the crime of rape has been proven beyond reasonable doubt.

As to the number of rapes committed. The appellant, citing *People v. Aaron* (*Aaron Case*),[35] insists that he cannot be convicted of three (3) counts of rape despite the three (3) penetrations because he was motivated by a single criminal intent. This Court finds this contention fallacious.

In the *Aaron Case*, the accused inserted his penis into the victim's vagina; he then withdrew it and ordered the latter to lie down on the floor and, for the second time, he inserted again his penis into the victim's vagina; the accused, thereafter, stood up and commanded the victim to lie near the headboard of the makeshift bed and, for the third time, he inserted again his penis into the victim's vagina and continued making pumping motions. From these sets of facts, this Court convicted the accused therein for only

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32 *People v. Mercado*, 419 Phil. 534, 543 (2001).
33 Id.
34 *People v. Linsie*, supra note 31.
35 438 Phil. 296 (2002).

one count of rape despite the three successful penetrations because there is no indication in the records from which it can be inferred that the accused decided to commit those separate and distinct acts of sexual assault **other than his lustful desire to change positions inside the room where the crime was committed**. This Court, thus, viewed that the three penetrations occurred during one continuing act of rape in which the accused was obviously motivated by a single criminal intent.

The circumstances in the present case, however, are far different from the *Aaron Case*. Here, we quote with approval the observations of the Court of Appeals, which affirmed that of the trial court, to wit:

> We agree with the trial court that the [herein appellant] should be convicted of three (3) counts of rape. It appears from the facts that the [appellant] thrice succeeded in inserting his penis into the private part of [AAA]. The three (3) penetrations occurred one after the other at an interval of five (5) minutes wherein the **[appellant] would rest after satiating his lust upon his victim and, after he has regained his strength, he would again rape [AAA]**. Hence, it can be clearly inferred from the foregoing that when the **[appellant] decided to commit those separate and distinct acts of sexual assault upon [AAA], he was not motivated by a single impulse[,] but rather by several criminal intent**. Hence, his conviction for three (3) counts of rape is indubitable.[36] (Emphasis supplied).

This Court sustains the findings of both lower courts that, indeed, the three insertions into AAA were in satiation of successive but distinct criminal carnality. Therefore, the appellant's conviction for three counts of rape is proper.

As to penalty. The second paragraph of Art. 266-B of the Revised Penal Code, as amended, provides that "[w]henever the rape is committed **with the use of a deadly weapon** x x x the penalty shall be *reclusion perpetua* to death." As it was properly alleged and proved that the appellant used a gun in order to consummate his evil desires, thus, both lower courts correctly imposed upon him the penalty of *reclusion perpetua* for each count of rape.

As to damages. Civil indemnity, which is mandatory in a finding of rape is distinct from and should not be denominated as moral damages which are based on different jural foundations and assessed by the court in

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36 *Rollo*, p. 12.

the exercise of sound discretion.[37] The award of moral damages, on the other hand, is automatically granted in rape cases without need of further proof other than the commission of the crime because it is assumed that a rape victim has actually suffered moral injuries entitling her to such award.[38] Hence, this Court upholds the ₱50,000.00 civil indemnity and ₱50,000.00 moral damages, for each count of rape, that were awarded by both lower courts in favor of AAA.

In addition, this Court deems it proper to award exemplary damages in favor of AAA. The award of exemplary damages is justified under Article 2230 of the Civil Code if there is an aggravating circumstance, whether ordinary or qualifying.[39] In this case, since the qualifying circumstance of the use of a deadly weapon was present in the commission of the crime, exemplary damages in the amount of ₱30,000.00, for each count of rape, is awarded in favor of AAA. Moreover, in line with recent jurisprudence, the interest at the rate of 6% *per annum* shall be imposed on all damages awarded from the date of the finality of this judgment until fully paid.[40]

WHEREFORE, premises considered, the Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 03371 dated 24 August 2009 finding herein appellant guilty beyond reasonable doubt of three counts of rape is hereby **AFFIRMED** with the **MODIFICATIONS** that: (1) the exemplary damages in the amount of ₱30,000.00, for each count of rape, is awarded in favor of AAA; and (2) the appellant is ordered to pay AAA the interest on all damages at the legal rate of 6% *per annum* from the date of finality of this judgment.

SO ORDERED.

JOSE PORTUGAL PEREZ
Associate Justice

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37 *People v. Montemayor*, 444 Phil. 169, 190 (2003).
38 *People v. Dimaanao*, 506 Phil. 630, 652 (2005).
39 *People v. Montemayor*, supra note 37 at 190.
40 *People v. Linsie*, supra note 31.

WE CONCUR:

ANTONIO T. CARPIO
Acting Chief Justice
Chairperson

MARIANO C. DEL CASTILLO
Associate Justice

JOSE CATRAL MENDOZA
Associate Justice

MARVIC MARIO VICTOR F. LEONEN
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

ANTONIO T. CARPIO
Acting Chief Justice